APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,798	01/22/2002	Harry L. Tarnoff	ZOUSA.001A3	7429

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EXAMINER
WASSUM, LUKE S

ART UNIT	PAPER NUMBER
2167	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _08 September 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _16-39_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _16-39_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _19 June 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37

CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for

continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely

paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 8 September 2005 has been entered.

Response to Preliminary Amendment

2.   The Applicant's preliminary amendment, filed 8 September 2005, has been received, entered

into the record, and considered.

3.   As a result of the amendment, claims 16, 25, 26, 28, 30, 32 and 33 have been amended, and

new claims 35-39 have been added. Claims 16-39 are now presented for examination.

The Invention

4.   The claimed invention is a system and method for notifying network nodes of specific

events that have occurred on a content node, such as the modification of content contained therein.

Priority

5.   The Applicant's claim to domestic priority under 35 U.S.C. § 119(e), based upon U.S.

Provisional Application 60/263,148, filed 22 January 2001, is acknowledged.

6.   Since the scope of the subject matter claimed in the instant application is greater than that

disclosed in the provisional application, particularly with regard to the use of RevBots to provide

digital rights management, the priority date will be either 22 January 2001 or 22 January 2002,

depending upon the specific claim considered.

Claim Rejections - 35 USC § 112

7.   In view of the amendments to the claims, the examiner withdraws the pending claim

rejections under 35 U.S.C. § 112.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless —
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9.   Claims 16-24, 27-31 and 34-39 are rejected under 35 U.S.C. 102(e) as being anticipated by

Fox et al. (U.S. Patent 6,421,781).

10.   Regarding claim 16, **Fox et al.** teaches an intelligent agent for informing network nodes of

one or more events associated with a website as claimed, comprising:

a) a set of rules to which said intelligent agent refers for its operation (see disclosure that

upon an update to a web page, the system searches the subscriber list and

corresponding URLs for a matching URL, and upon discovery of a matching URL,

sends notification of the change to the corresponding subscriber, col. 6, lines 26-61);

b) first means for said intelligent agent detecting immediately that said one or more events

have occurred (see disclosure that a web server notifies the user of a mobile device of

any changes made to particular web pages, col. 6, lines 3-10);

c) second means for said intelligent agent discerning one or more network nodes with which

to communicate (see storage of subscriber Ids in the subscriber table, Figure 3; see

also col. 6, lines 29-33); and

d) third means for said intelligent agent transmitting to said network nodes notifications

about said events (see disclosure that a web server notifies the user of a mobile device

of any changes made to particular web pages, col. 6, lines 3-10; see also col. 6, lines

51-61).

11.　　Regarding claim 28, **Fox et al.** teaches an intelligent agent for informing network nodes of

one or more events associated with a database as claimed, comprising:

a) a set of rules to which said intelligent agent refers for its operation (see disclosure that

upon an update to a web page, the system searches the subscriber list and

corresponding URLs for a matching URL, and upon discovery of a matching URL,

sends notification of the change to the corresponding subscriber, col. 6, lines 26-61);

b) first means for said intelligent agent detecting immediately that said one or more events

have occurred (see disclosure that a web server notifies the user of a mobile device of

any changes made to particular web pages, col. 6, lines 3-10);

c) second means for said intelligent agent discerning one or more network nodes with which

to communicate (see storage of subscriber Ids in the subscriber table, Figure 3; see

also col. 6, lines 29-33); and

d) third means for said intelligent agent transmitting to said network nodes notifications

about said events (see disclosure that a web server notifies the user of a mobile device

of any changes made to particular web pages, col. 6, lines 3-10; see also col. 6, lines

51-61).

12.   Regarding claim 30, **Fox et al.** teaches an intelligent agent for informing network nodes of
one or more events associated with a network presence as claimed, comprising:

a) a set of rules to which said intelligent agent refers for its operation (see disclosure that

upon an update to a web page, the system searches the subscriber list and

corresponding URLs for a matching URL, and upon discovery of a matching URL,

sends notification of the change to the corresponding subscriber, col. 6, lines 26-61);

b) first means for said intelligent agent detecting immediately that said one or more events

have occurred (see disclosure that a web server notifies the user of a mobile device of

any changes made to particular web pages, col. 6, lines 3-10);

c) second means for said intelligent agent discerning one or more network nodes with which

to communicate (see storage of subscriber Ids in the subscriber table, Figure 3; see

also col. 6, lines 29-33); and

d) third means for said intelligent agent transmitting to said network nodes notifications

about said events (see disclosure that a web server notifies the user of a mobile device

of any changes made to particular web pages, col. 6, lines 3-10; see also col. 6, lines

51-61).

13.   Regarding claim 17, **Fox et al.** additionally teaches an intelligent agent wherein one or more

of said network nodes respond to the notifications by said intelligent agent (see disclosure that the

client device places the text title into a status page dedicated to alerts, and furthermore that the user

is alerted through, for instance, a beep, flash, vibration, etc., col. 11, lines 24-37).

14.   Regarding claims 18 and 27, **Fox et al.** additionally teaches an intelligent agent which

comprises means for activating said intelligent agent to operate on behalf of a website, and which

informs network nodes of events associated with a subset of said website (see disclosure that a web

server notifies the user of a mobile device of any changes made to particular web pages, col. 6, lines

3-10; see also col. 6, lines 51-61).

15.   Regarding claims 19, 35 and 36, **Fox et al.** additionally teaches an intelligent agent which

informs network nodes of events relating to the contents and content access or change of said

website (see disclosure that a web server notifies the user of a mobile device of any changes made to

particular web pages, col. 6, lines 3-10; see also col. 6, lines 51-61).

16.   Regarding claims 20 and 31, **Fox et al.** additionally teaches an intelligent agent wherein the

network communication is performed in a secured manner (see disclosure at col. 9, lines 18-22 et

seq., of an implementation of a push server with authentication).

17.   Regarding claim 21, **Fox et al.** additionally teaches an intelligent agent wherein said

intelligent agent operates on a portable device (see disclosure that any computer system coupled to

the global Internet could become an information provider that pushes information to wireless

clients since an information provider just needs to be able to send information to a proxy server

coupled to the Internet, col. 2, lines 16-20, said any computer system encompassing, inter alia, the

claimed portable device).

18.   Regarding claim 22, **Fox et al.** additionally teaches an intelligent agent wherein a plurality of

said intelligent agents is associated with said website (see disclosure that multiple subscribers may

register to receive notifications from a single website, col. 6, lines 26-51).

19.   Regarding claim 23, **Fox et al.** additionally teaches an intelligent agent wherein said

intelligent agent is associated with a plurality of websites (see disclosure that a single subscriber may

register to receive notifications from multiple websites, col. 6, lines 26-51).

20.   Regarding claims 24, 29 and 34, **Fox et al.** additionally teaches an intelligent agent wherein

said intelligent agent performs an operation from the group consisting of filtering, blocking,

enhancing, reformatting and modifying information (see disclosure of the use of a security policy

which allows or denies access, col. 10, lines 1-25).

21.   Regarding claims 37-39, **Fox et al.** additionally teaches an intelligent agent wherein said

notifications contain additional data comprising metadata providing summary of the content, and

said one or more events are content changes (see disclosure that additional data, such as URL, is

transmitted as part of the notification, col. 6, lines 1-25; see also disclosure that notifications may

contain a text title and a token indicating the type of alert to be displayed on the client device, col.

11, lines 24-37).

Claim Rejections - 35 USC § 103

22.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the
> subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

23.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966),

that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a)

are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating obviousness or
>   nonobviousness.

24.   Claims 25, 26, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fox et al.** (U.S. Patent 6,421,781) as applied to claims 16-24, 27-31 and 34-39 above, and further in view of **Umbreit** (U.S. Patent 6,704,787).

25.   Regarding claims 25 and 32, **Fox et al.** teaches an intelligent agent substantially as claimed.

Fox et al. does not explicitly teach an intelligent agent wherein the network communication is transmitted to an e-commerce or digital rights management application.

Umbreit et al., however, teaches an intelligent agent wherein the network communication is transmitted to an e-commerce application (see disclosure that content comprises advertising banners, col. 6, line 58 through col. 7, line 10) and digital rights management application (see disclosure of access to entertainment content including textual, video and music content, such content constituting copyrighted material, copyrighted material including intellectual property, col. 7, lines 21-22).

It would have been obvious to one of ordinary skill in the art at the time of the invention to transmit said notifications to e-commerce or digital rights management applications, since such applications are both concerned with the management of content transmitted to specific users.

Response to Arguments

26.   Applicant's arguments with respect to claims 16-39 have been considered but are moot in

view of the new ground(s) of rejection.

27.   Regarding the Applicant's request for constructive assistance, the Applicant is encouraged to

contact the examiner upon receipt of this Office action in order to discuss the invention, claims and

currently asserted prior art.

Conclusion

28.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Glance et al. ("Collaborative Document Monitoring") teaches a second generation URL

monitoring tool which enables the collaborative evaluation of URL content changes.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Luke S. Wassum whose telephone number is 571-272-4119. The examiner can

normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

John E. Breene can be reached on 571-272-4107. The fax phone number for the organization

where this application or proceeding is assigned is 571-273-8300.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner

at 571-273-4119. Such communications must be clearly marked as INFORMAL, DRAFT or

UNOFFICIAL.

Customer Service for Tech Center 2100 can be reached during regular business hours at

(571) 272-2100, or fax (571) 273-2100.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system,

contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luke S. Wassum
Primary Examiner
Art Unit 2167

lsw
9 November 2005